



THE CITY OF NEW YORK
LAW DEPARTMENT

100 CHURCH STREET
NEW YORK, NY 10007

GEORGIA M. PESTANA
Acting Corporation Counsel

Andrew J. Rauchberg
phone: 212-356-0891
email: arauchbe@law.nyc.gov

July 16, 2021

BY ECF

MEMORANDUM ENDORSEMENT

Hon. Kevin N. Fox
United States Magistrate Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *M.T. obo K.C. v. N.Y. City Dep't of Educ., et al.*
Index No. 20 CV 7544 (KPF) (KNF)

Dear Judge Fox,

I am an Assistant Corporation Counsel in the Office of Georgia M. Pestana, Acting Corporation Counsel of the City of New York, and attorney for the Defendants in the case referenced above. I write to respectfully request an adjournment of the settlement conference currently scheduled for this coming Wednesday, July 21, at 10:30 A.M., and a corresponding adjournment of the deadlines connected to the conference.

Additional time is needed because my colleague David Thayer, the lead attorney assigned to the case, is unexpectedly unavailable on the scheduled date, and will be out of the office for at least the next two weeks. While I could appear in his stead, I am not prepared to make the pre-conference submissions called for in the Court's June 17, 2021 Order. Further, my brief review of the case this evening indicates that Defendants will not be ready to proceed on the scheduled date. I thus believe it will not be a productive use of the Court's or Plaintiffs' time. I apologize for the timing of this letter, but Defendants respectfully request that the conference be adjourned *sine die*, and that the Court allow this office time to confer with both the Department of Education and Plaintiffs' counsel and then submit a status letter no later than July 23, 2021. In that letter, we will update the Court and respectfully propose a time frame for a new conference date.

I have communicated with Elisa Hyman, Esq., Plaintiffs' counsel, and she consents to these requests.

Thank you for your consideration of this matter.

Respectfully submitted,

s/

Andrew J. Rauchberg
Assistant Corporation Counsel

cc: Elisa Hyman, Esq.
The Law Offices of Elisa Hyman P.C.
Attorneys for Plaintiffs

7/19/21

The settlement conference scheduled previously for July 21, 2021, is canceled. The parties shall confer and, thereafter, propose to the Court, in a joint writing on or before July 23, 2021, three dates on which all parties are available to attend a settlement conference.

SO ORDERED:

A handwritten signature in cursive script that reads "Kevin Nathaniel Fox".

Kevin Nathaniel Fox, U.S.M.J.